



Paul H. Richards
No. 118646
FCI Beaumont Low
Unit VA
Reg. Number 309-36-112
Beaumont, Texas 77710

FILED

DEC 06 2006

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

The State Bar Court
Hearing Department Los Angeles

In The Matter of)
)
Paul Henry Richards, II)
)
No. 118646)
)
)
)
A Member of the State Bar)

Case No.06-N-13441

Answer to Notice of
Disciplinary Charges

I. Introduction

_____ According to the Notice of Disciplinary Charges (hereinafter NDC), Respondent was served by the Clerk of the Review Department of the State Bar Court an order in a conviction referral case number 04-C-15021 (hereinafter 955 Order). For a multiplicity of reasons more fully described below, respondent only received such 955 Order as an attachment to the NDC, on or about November 15, 2006. Notwithstanding the lateness of the notice, respondent was in Compliance with Sections (a) and (b) of Rule 955 of the Rules of the Procedure of the State Bar of California at the time the Order issued because Respondent had no clients, co-counsel, opposing counsel, or adverse parties to who notice should have been sent. A copy of the State Bar 955 Proof of Compliance Declaration form provided to the Respondent on or about November 15, 2006, has been completed and filed. (Exhibit 1)

II. Respondent Did Not Violate Business and Professional Code Section 6103 by
Willfully Disobeying or Violating an Order of the State Bar Court

A. Respondent Did Not Timely Receive 955 Order

As the State Bar is now aware, respondent is in Federal custody at the Federal Correction Center, Beaumont, Texas. However, respondent was remanded to Federal custody on march 20, 2006. Since that time Respondent has been transferred to five different locations including either jails , transfer or correctional facilities in Los Angeles, California; San Bernardino, CA; Adelanto , California; Oklahoma city, oklahoma; and Beaumont, Texas. (Declaration of Paul Richards, Exhibit 2)

According to the NDC, and the 955 Order, the effective date of the order was April 2, 2006 nearly two weeks after respondent was taken into custody. Respondent remained in custody for the entire period during which the 955 the 955 order sought compliance (April 2 through May 13, 2006). Furthermore, the Certified Mail receipt attached as "Exhibit 1" to the NDC indicates the 955 order was received at 11000 Hulme Avenue, Lynwood CA on September 22, 2006 a time at which Respondent was incarcerated at FCC Beaumont, Texas (see also exhibit 6). Although this receipt indicates it may have been received by Respondent's household it was never received by Respondent. No such mail was even forwarded to the Respondent. Declaration of Dorothy Richards, Exhibit 3)

B. Respondent Was in Compliance With Sections (a) and (b) of Rule 955 Prior to Issue of Order

Because Respondent had no clients, co-counsel, opposing counsel, or adverse parties within the meaning of Rule 955, there were no parties that needed to be notified. These have been the circumstances since on or about October 14, 2004. Hence, there were no circumstances that would have otherwise precipitated the Respondent's independent inquiry concerning notification of enumerated parties pursuant to the State

Bar Rules and the Business and Professions Code.

(See Decl. of Paul Richards)

C. Respondent Has filed a Proof of Compliance Declaration Pursuant to State Bar Rule 955 (c)

In a letter dated October 23, 2006 State Bar Deputy Trial Counsel provided Respondent with a "Courtesy Copy of the Notice of Discrepancy Charges" and other materials and information. The letter states:

"...we served your membership records address with the NDC and someone at that address signed the certified mail receipt, but we are not sure you received the NDC...As we only discovered this address for you today, and are sending you a courtesy copy of the NDC..." (Exhibit 4)

This letter to the respondent was sent to FCC Beaumont Texas. Although it was properly labeled as "legal mail," it was not handled as such. (Decl. of Paul Richards) Accordingly, Respondent did not receive the State Bar letter. This further underscore the frustration Respondent has endured while in federal custody. Nevertheless, Deputy Trial Counsel included with the letter a Proof of Compliance form. That form has been completed and filed by Respondent. (Exhibit 1)

D. Extraordinary Circumstances Worked to Preclude Effective Notice to Respondent

The NDC states that on or about February 28, 2006, the Clerk of the Review Department of the State Bar Court served upon respondent a copy of the 955 Order. The NDC further states that on or about March 2, 2006 a Probation deputy in the Office of Probation of the State Bar of California wrote to Respondent regarding the 955 Order. Although Respondent was still "out of custody" at the time these letters were mailed, Respondent was focused on proving his innocence in connection with the underlying

federal charges and conviction. Respondent was engaged in the examination of profound new evidence for which the trial court had granted an extension of time to prepare a new trial motion.

Among the evidence and issues Respondent was reviewing in preparation of a new trial motion was the following:

- 1) After being convicted, Respondent learned that a member of the jury, despite being given several opportunities to do so, did not disclose that he had a sister that
 - a) knew the respondent's codefendant
 - b) worked with the codefendant on the specific subject matter of this case
 - c) knew several government witnesses d) worked with those witnesses on matters involving the subject matter of the case

Respondent learned that this same juror knew of this conflict at least five weeks before the conclusion of the trial

- 2) After being convicted, Respondent learned that a juror was coerced and otherwise threatened by the jury foreperson- outside of the court facility- for the purpose of securing a guilty verdict. This incident occurred after the conclusion of the day's jury deliberation at Los Angeles Union Station, in the presence of another juror who observed the victimized juror being broken down to the point of tears. The victimized juror was also a heart patient and was required to take special medication resulting from the continued threat during jury deliberations.

- 3) After being convicted, Respondent learned that the jury foreperson may have had a vendetta against the Respondent. Respondent secured a signed declaration who reported this information.
- 4) Respondent has learned that the lead prosecutor in his trial and preceding investigation was employed by a law firm that represented the two companies central to the Respondent's criminal case
 - a) That his employment with the law firm immediately preceded his employment as an assistant United States Attorney and the ensuing investigation
 - b) That the prosecutor's former law firm continued to represent at least one of these companies in active litigation in which Respondent was involved
 - c) That the active litigation involving the prosecutor's former law firm and Respondent was connected to Respondent's indictment
- 5) Respondent learned that the lead prosecutor's wife continued to work for his former law firm
 - a) While the Respondent was being actively and publicly investigated
 - b) While the Firm's client, a multi-billion dollar Fortune 500 company, actively worked against Respondent political interests;
 - c) While the Firm's client was seeking a settlement with the

City for which Respondent was an elected official

During the month of February, 2006, Respondent was also engaged in the preparation of a response to a highly inaccurate Federal Pre-Sentence Report(PSR). This PSR was recommending as much as 235 months of incarceration. Respondent's attorney of record had failed to prepare any response and therefore placed Respondent at great risk. Although Respondent provided materials and information, his attorney- a "certified criminal law specialist," failed to file a response in a timely manner. Respondent was under similar pressure during both February and March, 2006 to provide written materials and analysis in connection with a new trial motion.

E. In-Custody Conditions Worked to Preclude Effective Notice

Once remanded to federal custody, Respondent faced conditions that did not support the transmittal of information. While in custody at the Los Angeles Metropolitan Detention Center , several weeks passed before Respondent was able to set up outgoing telephone calls. Several more weeks passed before Respondent's wife and children were approved for visitation- each visit no longer than an hour. While in custody Respondent faced traumatic and numerous physically threatening conditions that rendered him more concerned for his safety than anything else.

Without any prior notice, Respondent was transferred in chains and shackles to the San Bernardino County Central Jail Facility on or about May 12, 2006. The unit in which Respondent was housed was controlled by competing gangs and racial factions. Telephone access was difficult and only available after accounts could be set up. Telephone calls were limited to 15 minutes. Visitations were also limited to one hour by telephone behind security windows.

Again, without any prior notice, Respondent was transferred in chains and shackles to the San Bernardino County jail facility in Adelanto, CA on or about May 20,

2006. There, conditions worsened. Respondent endured tortuous treatment such as sleep deprivation and repeated threats of physical harm.

On or about June 28, 2006, Respondent was transferred without prior notice- again in chains and shackles- to Oklahoma City, Oklahoma- thousands of miles away from his family. I t was there Respondent first learned that he was to be designated for custody in Beaumont, Texas.

Accordingly, Respondent has been principally concerned with enduring difficult circumstances and basically surviving the very harsh institutions in which he has been housed. Respondent remains thousands of miles away from his family and wife of 26 years, and his home Los Angeles County, California where he was a life long resident. (Decl. of Paul Richards)

III. Conclusion

Respondent has at all times acted in good faith concerning the State Bar rules and the requirements of the 955 Order. Despite the extraordinary circumstances Respondent has endured, no party has been harmed or prejudiced by his inability to file a Declaration of Compliance before he was effectively notified November, 2006. Respondent regrets that he finds himself in his present situation, but he is confident of his innocence and is vigorously pursuing an appeal at this time.

Respondent respectfully requests that the State Bar Trial Counsel recommend and that the State Bar Court grant the dismissal of this motion.

Exhibit 1

PAUL H. RICHARDS
NO. 118646

In the Matter of

PAUL H. RICHARDS
NO. 118646

Member of the State Bar of California

Case Number(s).

06-N-13441
04-C-15020

Rule 955 COMPLIANCE DECLARATION

I, PAUL HENRY RICHARDS, II, State Bar member number 118646, have been ordered to comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, as part of a suspension ordered by the State Bar Court or Supreme Court, or an order of disbarment or an order accepting my resignation by the Supreme Court.

[Answer each question by checking one box per question. If neither option is correct, attach a declaration under penalty of perjury explaining your situation.]

Within 30 days of the effective date of the order of suspension/disbarment/acceptance of resignation ("effective date"): (See rule 953(a), California Rules of Court):

1. ☐ I notified all clients and co-counsel, in matters that were pending on the date upon which the order to comply with rule 955 was filed by certified or registered mail, return receipt requested, of my consequent disqualification to act as an attorney after the effective date of the order of suspension/disbarment, and in those cases where I had no co-counsel, I urged the clients to seek legal advice elsewhere, calling attention to any urgency in seeking another attorney.
- ☒ As of the date upon which the order to comply with rule 955 was filed, I had no clients.
2. ☐ I delivered to all clients any papers or other property to which the clients were entitled, or notified clients and co-counsel, if any, of a suitable time and place where the papers or other property could be obtained, and called attention to any urgency for obtaining the papers or other property.
- ☒ As of the date upon which the order to comply with rule 955 was filed, I had no papers or other property to which clients were entitled.
3. ☐ I refunded fees paid any part of which had not been earned.
- ☒ As of the date upon which the order to comply with rule 955 was filed, I had earned all fees paid to me.
- ☐ I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order to comply with rule 955 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court's acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.
- ☒ As of the date upon which the order to comply with rule 955, I did not represent any clients in pending matters.
- ☐ In the future, communications may be directed to me at the following address: 16217 MONICA CIRCLE,
CERRITOS, CA. - COPY TO (TEMPORARY) PAUL RICHARDS #30936-112
UNIT VA, FCI BEAUMONT LON, BEAUMONT, TEXAS 77710
[If this is not your current State Bar membership address, this declaration will change your membership address. See Bus. & Prof. Code §6002.1(b)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at

BEAUMONT

TEXAS
California, on

November 22, 2006

Failure to comply with the provisions of rule 955 may result in revocation of probation; suspension; disbarment; denial of reinstatement; or, contempt or conviction.

(Signature)

PAUL H. RICHARDS

(Print Name)

Exhibit 2

Declaration of Paul H. Richards

I, Paul Henry Richards, do hereby declare:

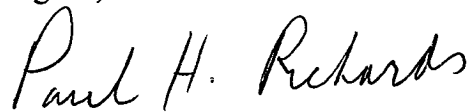
I am an inmate at the Federal Correctional Institution, Beaumont, Texas, Registration Number: 30936-112. I have been in federal custody since March 20, 2006. I have been housed in at least five different locations including the Los Angeles Metropolitan Detention Center; the San Bernardino County Central Jail facility, The San Bernardino County, Adelanto Jail facility; The Federal Transfer Center, Oklahoma City, Oklahoma; and the FCC Beaumont low Facility, Beaumont Texas.

On October 14, 2004 I was arrested following a federal criminal indictment. I subsequently ceased work on all legal motions. Currently, and prior to my conviction, I had no clients, co-counsel, opposing counsel, or adverse parties to whom notice was required pursuant to the "955 Order."

Since being in federal custody, no mail received by my family at 11000 Hulme Avenue Lynwood, California has been forwarded to me. My family and I have always maintained my innocence and anticipated that I would be granted bail pending appeal.

On or about November 15, 2006, I received a letter from the Deputy Trial Counsel of the State bar. Although the letter was marked "legal mail," it was not handled by the FCI Beaumont, Low authorities correctly. I have completed the Declaration of Proof of Rule Compliance and have filed the document as required. At the time the 955 order was issued, I was under great pressure to prepare a New Trial Motion; Pre-Sentence Report; and research important new exculpatory in my criminal case. The magnitude of that effort coupled with the fact that I was living out of two different homes may have caused me to overlook some mail that may have come in during the period of February 28, through March 20, 2006, the date I was taken into custody

Signed,

A handwritten signature in cursive script that reads "Paul H. Richards". The signature is written in dark ink and is positioned above the printed name.

Paul H. Richards

Exhibit 3

Declaration of Dorothy Richards

I, Dorothy Ruth Richards, do hereby declare:

I am the wife of Paul H. Richards. I reside at 16217 Monica Circle, Cerritos, California. I have been married to Paul H. Richards for over 26 years. My secondary residence is 11000 Hulme Avenue, Lynwood, California. Prior to a raid by federal authorities on December 3, 2003 my primary residence was 11000 Hulme Avenue address. The raid was a traumatic experience for our family and to this day we have not yet fully reorganized from the search.

I try to pickup mail from the Lynwood residence at least once a week, but that is not always possible. I am sight-impaired and driving is sometimes difficult, if not impossible. In anticipation of my husband being released on bail pending appeal, I have not forwarded any mail to him from either the Lynwood or Cerritos address.

Signed,

A handwritten signature in cursive script that reads "Dorothy R. Richards".

Dorothy R. Richards

Exhibit 4



THE STATE BAR
OF CALIFORNIA

1149 SOUTH HILL STREET, LOS ANGELES, CALIFORNIA 90015-2299

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1000

TDD: (213) 765-1566

FAX: (213) 765-1442

DIRECT DIAL: (213) 765-1209

LEGAL MAIL

October 23, 2006

Paul H. Richards, II
#30936-112
FCI BEAUMONT LOW
Satellite Camp
P.O. Box 26030
Beaumont, Texas 77710

In Re: Case Number 06-N-13441

Dear Mr. Richards:

Enclosed herewith you will find a courtesy copy of the Notice of Disciplinary Charges ("NDC") in the above mentioned case. We served your membership records address with the NDC and someone at that address signed the certified mail receipt, but we were not sure you received the NDC. Based on service of the NDC, your response was due to be filed with the State Bar Court on or before

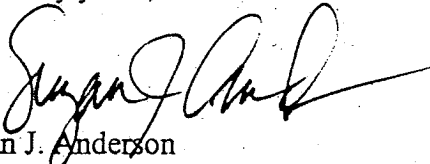
October 16, 2006. As we only discovered this address for you today and are sending you this courtesy copy of the NDC, we will grant you an extension to respond to the NDC through Friday, November 17, 2006.

Also enclosed you will find a resignation package for your review. As case law demonstrates, this is a disbarment offense. Accordingly, the only settlement of this case would be your resignation with charges pending. If you elect to resign with charges pending, the five years which you must wait to apply for reinstatement begins when the Supreme Court accepts your resignation. If you elect to litigate this matter and the court follows precedent and disbars you for failure to comply with the 955 order, the five years would not begin until the Supreme Court orders your disbarment.

Paul H. Richards, II
October 23, 2006
Page 2

If you have any questions regarding the NDC or the resignation packet, please do not hesitate to contact me at your earliest convenience.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Suzan J. Anderson", written over the typed name.

Suzan J. Anderson
Deputy Trial Counsel

SJA/cd

Enclosures

Exhibit 5

2. Article Number



7160 3901 9844 3983 3884

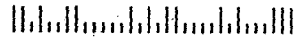
3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

PAUL H. RICHARDS, II

11000 HULME AVENUE
LYNWOOD, CALIFORNIA 90262



06-N-13441

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No

S. ANDERSON